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7 LYNNETTE FRARY, et al.,  
8 Plaintiffs,  
9 v.  
10 COUNTY OF MARIN, et al.,  
11 Defendants.

Case No. [12-cv-03928-MEJ](#)

**ORDER RE: REQUEST FOR LEAVE  
TO FILE MOTION FOR  
RECONSIDERATION**

Re: Dkt. No. 115

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13 On October 7, 2014, the Court continued the briefing and hearing schedule for three  
14 pending motions: Defendants' Motion for Summary Judgment (Dkt. No. 98), Plaintiffs Lynette  
15 Frary and Jamie Ball's Motion for Order Distributing Proceeds (Dkt. No. 108), and Plaintiff Jamie  
16 Ball's Petition for Order Approving Compromise of Minor's Claim (Dkt. No. 109). Order, Dkt.  
17 No. 114. The Court continued the hearing from November 6 to December 4, 2014, with  
18 oppositions due on October 30 and replies due November 13. The continuance came at the  
19 request of Plaintiff Heather Howard's counsel. Dkt. No. 110.

20 Defendants have now filed a Motion Requesting Leave to File a Motion for  
21 Reconsideration of the Court's Order. Dkt. No. 115. In their Motion, Defendants note that trial of  
22 this matter is set for February 9, 2014 and pre-trial materials including Motions in Limine and  
23 Joint Pretrial Statement are due on November 21, 2014. Dkt. No. 92. Defendants argue that  
24 counsel's motion to change time violates the requirements of Civil Local Rules 6-3 and 7-9, and  
25 that counsel should not be rewarded for his failure to comply with the case management schedule,  
26 to which the parties stipulated, as such failure prejudices the parties who adhere to the schedule.

27 Defendants' points are well taken. However, despite these apparent shortcomings, the  
28 Court finds it best to proceed on the merits of the case. Accordingly, the revised briefing and

hearing schedule shall remain in effect. However, all other pretrial and trial dates are hereby VACATED pending resolution of the pending motions.

## IT IS SO ORDERED.

Dated: October 7, 2014

MARIA-ELENA JAMES  
United States Magistrate Judge